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COUNCIL PAPERS, 1698.

(From original volume in the Virginia State Library.)

"This Book begun by Mr. Benjamin Harrison, Clerk of ye Council 1698."
(Inscription of fly leaf.)

WM. BYRD TO THE GOVERNOR

May it please your Excellency

I am most Sensibly afflicted that my Lameness prevents my attendance on your Excellency at this time as my duty requires Hope in a short time to be perfectly well when (God willing) shall never be wanting to behave myselfe with all respect to your Excellency to whom I wish a long and prosperous continuance in this Government I shall always remain most faithfully

Your Excellency's most Humble
And Obedient Servant.
William Byrd.

Westopher
December ye 7th 1698.

RICHARD JOHNSON TO THE GOVERNOR

May it please your Excellency

To pardon my not wateing upon you according to my duty For my ould enemie the Gout had like to have kept me prisnor the last time I was at towne but was so kinde to let me come home but the next day Seised me and hath not yet acquitted me though I thank God I am able to walk about a little and did adventure the last weeke to ride 8 miles but (though it was

very Good wether) it made me almost as lame againe as ever and I have not dared to venture on horse back Since. Nothing S'r but indispensible necessitie could have kept me from comeing to kisse your Excellency's hand and Expreseing my joy for your comeing againe to Governe us therefore cannot doubt but your Goodness will excuse.

Your Excellency's

Most humble Servant

Richard Johnson.

December ye 8 1698

To his Excellency Francis Nicholson Esq'r & c.

ORDER FOR COMMISSARY BLAIR'S SALARY

By the Lords Justices

(L. S.)

Tho. Cantuar
Dorsett
Marlborough
Romney
Chas. Montague

His Majesty's Additionall Instruction for Francis Nicholson Esq'r His Majesty's Lieutenant and Governour Generall of his Majesty's Colony and Dominion of Virginia in America And in his absence to the Lieutenant Governour or Commander in Chief of the said Colony for the time being. Given at Whitehall the 20 day of September 1698 in the Tenth Year of his Majesty's Reign

Whereas His Majesty has for some years past been pleased to allow unto Mr. James Blair Commissary for the Lord Bishop of London in Virginia One hundred Pounds Yearly out of his Quit Rents in that Colony which has hither to been accordingly paid unto the said Commissary by Speciall Warrants from the Lords Commissioners of his Maj'ty's Treasury, And his Maj'ty has been humbly moved That the Governour of the Said Colony may for the future be Directed by an Instruction to pay unto

the said Commissary Blair the said allowance of One hundred Pounds yearly with the Arrears thereof out of his Maj'ty's said Quit Rents without further Warrant. His Maj'ty's Will and Pleasure is that you accordingly give Directions for the payment of the same out of his Maj'ty's Quit Rents in that Colony till further Order.

By their Excellency's Command

Ja. Vernon.

To his Excellency Francis Nicholson Esq'r His Maj'ty's Lieutenant and Governour Generall of his Maj'ty's Colony and Dominion of Virginia in America.

Ja. Vernon.

ORDER AS TO NAVAL OFFICERS

By the Lords Justices

Tho Cantuar
Somers C
Pembroke C P S
Marlborough
Romney
Oxford

Instructions for Francis Nicholson Esq'r his Maj'ty's Lieutenant and Governour Generall of his Maj'ty's Colony and Dominion of Virginia in America and in his Absence to the Lieutenant Governour or Commander in Chief of the said Colony for the time being.

Given at Whitehall the 10 day of November 1698. In the Tenth Year of his Majesty's Reign.

His Maj'ty having been informed that the Navall Officers, being the Persons appointed by the Governours in his respective Plantations in America to take Bonds and give Certificates for clearing of Ships have generally neglected to comply with the Direction of the late Act of Parliament for preventing frauds and Regulating Abuces in the Plantation trade which requires their giving Security to the Commissioners of the Customes in England for the due Discharge of their Trust. And it having been further represented to his Maj'ty that besides the Security which the said Navall Officers are Obligated

by law to give it would be very Expedient that (according to the Constitution of the Customes in England which has provided a Controul upon the Action of every Officer Employed therein) the concurrence of the Collectors appointed by the Commissioners of the Customes in his Maj'ty's respective Plantations should also be made necessary to so important an Act as that of Signing Certificates for clearing of Ships his Maj'ty taking the same Into Consideracon is here by pleased to declare his will and pleasure And you are accordingly hereby required to take care that the Navall Officer or Officers in His Maj'ty's Colony of Virginia under your Government do give Security for the due Discharge of his or their Trust to such Person as is or shall be appinted by the Commissioners of the Customes for that purpose according to the Direction of the forementioned Act of parliament and likewise that you do not admitt or allow any Certificates signed by the Navall Officer or Officers aforesaid for the Clearing of Ships within His Maj'ty's said Colony of Virginia to be Valid and Effectuall for that End without the Concurrence of the Collector appointed there by the Commissioners of his Maj'ty's Customes

By their Excellencies Command.

Ja: Vernon.

ORDER IN REGARD TO CAPTAIN KIDD

Whitehall 23d November 1698.

S'r

The Lords Justices being informed by severall advices from the East Indies of the notorious Pyracies committed by Cap't Kidd Commander of the Adventure Galley and of his having Seized and plundered divers Ships in those seas As their Excellency's have given Order to the Commander of the Squadron fitted out for the East Indies that he use his Utmost Endeavors to pursue and seize the Said Kidd if he continue still in those parts so likewise they have Commanded me to signify their Direcons to the respective Governours of the Colony's under his Maj'ty's Obedience in America that they give strict Orders

and take particular Care for apprehending the said Kidd and his Accomplices whenever he or they shall arrive in any of the said Plantations as likewise that they Secure his Ship and all the effects therein it being their Excellency's intention that right be done to those who have been injured and rob'd by the said Kidd and that he and his Associates be prosecuted with the utmost Vigour of Law You are to be carefull thereof duly to observe the said Direcons And if the said Kidd or any of his Accomplices happen to be seized within the Province under your Government You are forthwith to transmitt an account thereof hither and take care that the said persons Ship and Effects be secured till his Maj'ty's pleasure be known concerning them. I am S'r

Your most faithfull
humble Servant

Ja: Vernon.

To Francis Nicholson Esq'r
His Maj'ty's Lieutenant and
Governour Generall of his
Maj'ty's Colony and Dominion
of Virginia in

America

Ja Vernon Exam'd P. B. Harrison.

THE SEAL OF THE COLONY

William R.

(L. S.)

To our Trusty and well beloved Francis Nicholson Esq'r Our Lieutenant and Governour Generall of our Colony and Dominion of Virginia in America and to our Lieutenant Governour and Commander in Chief of our said Colony for the time being, Greeting. With this You will receive a Seal prepared by our Order for the use of our Government of Virginia which seal is Engraven with Our Armes, Garter and Crown with this Inscription round the same En Dat Virginia-Quintum.

And our Will and Pleasure is, and we do hereby authorize you and our Lieutenant Governour or Commander in Chief of our Said Colony for the time being to Affix the said Seal to all patents and Grants of Lands and to all publick Acts and instruments of Government which shall be made and pased in Our Name within our said Colony and that it be to all intents and purposes of the same force and Validity as any former Seal appointed for the publick use of the Government in our said Colony hath heretofore been which former Seals are not to be made use of or Affixed to any Publick Act or Instruments whatsoever but to be Defaced and broken. Given at our Court at Kensington the 10th day of Janu'ry 1698. In the Tenth year of our Reign.

By his Maj'ty's Command

Ja: Vernon.

GOVERNOR NICHOLSON TO THE GOVERNOR OF
NORTH CAROLINA

Virginia, James City, May 3, 1699.

Honorable Sir

I received Yours to me of the 16th of March last, In answer to an Order of myselfe in Councill, Dated at James City the 24th day of February last, transmitted unto You by Coll. Quarry pursuant also to what You advise in that Letter, upon the 28th of the last moneth arrived at this Place Mr. Akehurst and Cap't Walker the Gentlemen appointed by You and the Councill of Your Province to agree upon and Settle the bounds between this His Maj'ts Colony and Dominion of Virginia and Your said Province of Carolina. I shall at all times be very ready to do anything that is requisite on my Parte for the perfecting of a Worke which I take to be so very Necessary and so much contributing to the Peace and Quiet of both these Colonies; But at present it is the Opinion of myself and his Maj'ts Honorable Councill of state for this his Colony and Dominion of Virginia that I cannot safely Comiconate any persons to treat with the Gent'n from your Province about this affair. Wee have not any Design of Delaying so good a Worke but

we are Desirous that when it is done it may be Effectual and Valid in all time coming and that wee think the Gent. appointed by you are not sufficiently Qualified to do. Our Reason for this Opinion is grounded upon an act of Parliament of the seventh and Eighth Years of his present Maj'ty Intituled an act for Preventing frauds and regulating abuses in the plantacon trade which I have given to the Gent. for Your More particular Satisfacon herein in this act it is Enacted that all the then present Governours or Comanders in Cheif of any English Colonyes or Plantacons shall before the 25 day of March 1697 take a solemn Oath &c. as in the said act is More at large Directed; and by another Clause in the said act it is Enacted that all Governours Nominated and Appointed by any persons or proprietors who shall be Intituled to make such Nominacon shall be allowed and approved of by his Maj'ty his Heires and successours Signified by his or their order in Councill who shall take the Oaths Enjoynd by this Or any other Act to be taken by the Governours or Commanders in Cheif in other his Maj'ty's Colonyes and plantacons; By this act you may please to observe it is required that you be approved by his Maj'ty to be signified as is aforementioned and that you likewise take the said Oaths before you can be sufficiently Qualified to Execute the Office of Governour or Commander in Cheif of any Propriety, and for as much as it doth not appear that you have Complied therewith Wee are of Opinion that it is not convenient for us to treat with any Person or Persons by you appointed to agree upon and settle this affair between these two Colonyes; Therefore all further proceedings therein Must for the present be suspended untill you can give an Account thereof to those persons for whom You are Concerned and shall Obtain such Approbacon and Qualifyacon as by the act of Parliament aforementioned is directed and required I on my parte shall take care that our proceedings Herein may be layd before his Majesty for his further comands thereupon and I hope by the next fall to receive such Direcons as shall be thought necessary; I desire likewise that you on your parte will take Care to obtain such Qualificacons and Instruccons as are requisite for you by the Consent of Mr.

Akehurst and Cap't Walker I have Caused the Exemplificacon of your proprietor's Charter to be recorded here so that there will not be occasion any more to hazard that Upon so long a Journey as to send it hither for our Satisfaccon therein.

I must further acquaint you that by Comicon under the great Seal of the high Admiralty of England Dated the 26 day of June in the Year 1697—Directed unto Sir Edmund Andros Knight His Maj'ts late Lieutenant and Governour Generall of Virginia and to His Maj't's Lieutenant and Governour Generall of Virginia for the time being His Maj'ty hath been pleased to Grant unto his said Lieutenant and Governour Generall of Virginia for the time being Power and Authority to appoint Judges Registers Marshalls and Advocates for the Admiralty Courts of Virginia Carolina and the Bahama Islands by Virtue of which Said Comicon the said Sir Edmund Andros by severill comicons did appoint the Hon'ble Edward Hill Esq'r judge, Miles Cary Gent. Register, Michael Sherman Gent, Marshall, and John Taylor Gent. Advocate, of the Court of Admiralty in this His Maj'ts Colony and Dominion of Virginia and the Province of North Carolina I herewith send you Copyes of the said Severall Comicons for your better Informacon therein and I do recomend the same to your care that when any matters shall happen requiring the Presence and Service of the said judge and Officers, you will give me timely Intimacon thereof that I may give such direcons as shall be necessary therein—which is all at present from

Your Affectionate Friend and

Humble Servant
ff. Nicholson.

For His Maj'tys Speciall Service
To
The Hon'ble Thomas Harvey Esq'r
Deputy Governour of His Maj'ts
Province of North Carolina.

THE PRESIDENT ETC. OF WILLIAM & MARY
COLLEGE TO THE GENERAL ASSEMBLY

To the honourable The Speaker and Gentlemen of the house of Burgesses.

We the president, Masters and Scholars of the Royal Colledge of William and Mary in Virginia, being deeply sensible of the great honour lately conferred on this Colledge by the hon'ble House of Burgesses first in graceing our Scholastick exercises with your own countenance and presence on May day last, and then in giving so favourable a Judgement and Character of the proficiency of our Youth in their Studies and in recommending the said Colledge to our good Governours care and favour in your most hearty address made to his Excellency for that purpose: Desire leave in all humility to offer our most thankfull acknowledgements for the same and withall to assure this hon'ble House that nothing can so effectually encourage us to go on in the chearfull prosecution of our studies as the favourable countenance of so great Patrons as we hope to find both in his Excellency and the present Generall Assembly for which good understanding among your selves and joint endeavours to carry on this and all other good works We doubt not ye will have the blessings and prayers of all good men to join with those of

Your most obliged humble Servants

James Blair Presid't.

Mongs Inglis humanity prof:

John Hodges Usher.

In name & at the desire of the rest of our Condisciples

Orlando Jones	} Scholars
Henry Harrison	
John Allen	
John Jones	

The Answer sent by Major Custis and Cap't. Wilson.

The house have sent us to acquaint you that they have read your address it is received mighty kindly and they hope you you will always merit their good Esteem.

THE GENERAL ASSEMBLY TO THE GOVERNOR

To his Excellency Francis Nicholson Esq'r His Maj'ts Lieutenant and Governour Generall of Virginia.

The humble Address of the Councill and Burgesses of this present Generall Assembly

May it please your Excellency

Wee the Councill and Burgesses of the present General Assembly being sensible of the great Mischeifs and Inconveniences that Accrew to the Inhabitants of this His Maj'ts Colony and Dominion of Virginia By killing of Whales within the Capes thereof Doe in all humility take Leave to Represent the same unto Your Excellency And withall to acquaint you That by the Means thereof Great Quantities of Fish are poysoned and destroyed And the Rivers also made noisome and Offensive For prevention of which Evills In regard the Restraint of the Killing of Whales is a Branch of His Majestyes Royall Privilege.

Wee humbly Pray that Your Excellency will be pleased to Issue out a Proclamation forbidding All Persons whatsoever to Strike or kill any Whales within the Bay of Chesapeake in the Limits of Virginia which wee hope will prove an Effectuall means to prevent the many Evills that Arise therefrom.

Richard Lee in behalf of His Majestyes Honorable Councill.

Robert Carter, Speaker.

THE HOUSE OF BURGESSES TO THE KING

To the Kings Most Excellent Majesty

We yo'r Majestyes most Loyall and Obedient Subjects The Burgesses of the Generall Assembly in yo'r Majestyes most Antient and great Colony & Dominion of Virginia now Assembled, Doe humbly Embrace this Occasion, In the first place to Congratulate yo'r Majestyes Safe & happy Returne to yo'r Kingdome of England, haveing first purchased & Secured through yo'r own personall Valour Conduct and Prudence a Glorious, Hon'ble and Setled peace not only to Christendome

but Even by Means of yo'r Wisdome & Mediation between his Imperiall Majesty and the Grand Signior to the very Turks & Infidells by which your Majesty has Emimently appeared to be the Sole & great Arbiter both of Warr and peace in the largest part of the Known World to Accomplish which you have not Spared to Expose your own Sacred precious & Royall person to the Great Hazards & Most Eminent Dangers in which yo'r Majesty had noe other End than the preservation & Defence of the true Protestant Religion and the Libertyes & propertyes of Europe, This Great S'r Altho' we live so remote We are not Ignorant of and long ere this we Should have Expressed our Sence of the Same by an humble Address to yo'r most Sacred Majesty had we bin in a Capacity as a house of Burgesses of doing it before.

In the next place we think our Selves Obleiged in duty to yo'r Majesty in all humility to Express our deep Sence and to make a Gratefull Accknowledgm't of your many Royall ffavours and bounty's from time to time bestowed upon this your Ancient and great Colony and Dominion in Generall & upon yo'r Royall Colledge of William & Mary in P'ticular, And humbly to Begg that Continuance of your Royall Grace Favour & Protection to us & it

We also Accknowledge it our highest Duty to yo'r Majesty to Returne our humble and unfeigned Thanks to Almighty God for the preservation & Continuance of your life & health And it shall be our Daily prayers that yo'r Majesty may have a Long and Happy Reigne over all yo'r Kingdomes & Dominions, And may all your Loyall Subjects for Ever bear in Mind the Inestimable Benefits they have received from yo'r Majesty who have (under God) been the Main Bulwark and Defence of our Religion Lawes and Libertyes &c'a And it has alwayes bin the happiness of this Dominion to Deserve the Character of Loyall & Dutifull Subjects, Soe at this time we take Leave in most Humble Manner to Assure yo'r Majesty we will Continue Soe to our Lives End.

Robert Carter, Speaker in
Behalf of the house of Burgesses.

THE OATH OF A COUNCELLOUR.

You Shall Swear to be a true and faithfull Servant unto the Kings Majesty as One of His Council of State and to be aiding and assisting to His Excellency His Majesties Lieutenant and Govenour Generall of Virginia; You shall in all things to be moved treated and debated in the Council faithfully declare Your Mind and opinion according to Your heart and Conscience, and Shall keep Secret all matters comitted and revealed unto you concerning the Same, and that Shall be treated Secretly in the Council, untill Such time as by the Consent of His Majesties Lieutenant and Govenour Generall and the full consent of the Council of State there Resident or the Maj'r part of them, Publicacon Shall be made thereof; You Shall to Your utmost bear faith and Allegiance to the King's Majesty his heirs and lawfull Successors, and Shall assist and Defend all Jurisdiccons preheminenes and Authorities granted unto His Majesty and annex't unto the Crown against all floren Princes Persons Prelates and Potentates whatsoever And Generally You Shall act and doe in all things as a faithfull and true Subject Ought to doe to His Majesty.

Soe help You God.

THE COMMISSION OF THE CLERKE OF THE
GEN'LL ASSEMBLY

VIRGINIA SS.

William the third by the Grace of God King of England Scotland ffrance and Ireland Defender of the faith &c To..... Gent. Greeting We doe by these presents constitute and appoint you to be Clerk of the Generall Assembly of this our Colony and Dominion hereby giveing and granting unto You full power and authority to your own proper use and behoofe to take and receive all Salarys ffees and perquisites whatsoever belonging to the Office of the Clerk of the Generall Assembly of this Our Colony and Dominion with power to execute and enjoy all Trusts Services Rights Members and Appurtenances as to the Said Office are justly and Lawfully belonging in as full

and ample manner to all intents and purposes as any other
 Pson heretofore hath or ought to have enjoyed the Same,
 To have hold execute and enjoy the Said Office dureing pleasure
 Witness Our Trusty and well-beloved francis Nicholson Esq'r
 Our Leiutenant and Govenour Generall of Virginia at James-
 Town under the Seal of Our Colony this day of
 1699 in the Eleventh Yeare of Our Reign.

THE CLERK OF THE GEN'LL ASSEMBLY HIS
 OATH.

You Shall Swear as Clerk of the Gen'll Assembly of this
 His Maj'ts Colony and Dominion of Virginia to which Office
 You are appointed by His Excellency faithfully Justly and
 uprightly to make true Entries and Journall's of all Votes
 and Proceedings in the Said Gen'll Assembly as from time to
 time you Shall receive Orders and Direcons and you Shall
 in all thing's according to your best Skill and Judgment Dis-
 charge and Execute the Said Office and Trust of Clerk of the
 Gen'll Assembly.

Soe help you God.

THE COMMISSION OF THE CLERK OF THE
 COUNCILL.

William the third by the Grace of God of England Scotland
 ffrance and Ireland King Defender of the faith &c.

Gent. Greeting We doe by these presents Constitute and
 appoint you to be Clerk of Our Councill in Our Colony and
 Dominion of Virginia with power to take and receive to your
 own proper use and behoofe all fees Dues and perquisites to
 the Said place usually belonging or appertaining To have and
 to hold the Said Office dureing pleasure Witness Our Trusty
 and Well-beloved Francis Nicholson Esq'r Our Leiutenant and
 Govenor Gen'll of Virginia at James Towne under the Seal of
 Our Colony this day of 1699 in the Eleventh
 Year of Our Reign.

THE OATH OF THE CLERK OF THE COUNCILL.

You Shall Swear that you will well and truely Execute the place of Clerk of the Council of this His Majesties Dominion of Virginia to the best of your Judgment and Knowledge You Shall faithfully Enter all Orders and Shall not discover the Secrett proceedings of His Excellency the Govenour and Council to any pson whatsoever till the same be otherwise made Publick but Shall to the best of your Understanding doe all things relating to the Said place or Office faithfully justly and honestly.

Soe help you God.

(TO BE CONTINUED)